

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

GP 03-03-09: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Residential Support for the Core Area (25+ Dwelling Units Per Acre (DU/AC)) to Medium Density Residential (8-16 DU/AC) for property located in the area generally bounded by Park Avenue, West San Fernando Street, Los Gatos Creek, Delmas Avenue and State Route 87 (see location map on back) on a 6.59-acre site. (Various Owners/City of San Jose, Applicant). CEQA: Mitigated Negative Declaration pending. Council District: 3.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **June 6, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **June 6, 2003** and ends on **June 26, 2003**.

A public hearing on the project described above is tentatively scheduled for **July 28, 2003 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Rosegarden Branch Library 1580 Naglee Avenue., San Jose, CA 95126, San José, CA 95110 San Jose, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Patrice Shaffer** at (408) 277-8557.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: June 6, 2003

Deputy

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: General Plan Amendment

PROJECT FILE NUMBER: GP03-03-09

PROJECT DESCRIPTION: General Plan amendment to change the Land Use/Transportation Diagram for an approximately 6.59 acre site from Residential Support for the Core Area (25-50 DU/AC) to Medium Density Residential (8-16 DU/AC).

PROJECT LOCATION & ASSESSORS PARCEL NO.: The area approximately bounded by Park Avenue to the south, West San Fernando Street to the north, Los Gatos Creek to the west, and Delmas Avenue and Highway 87 to the east; various parcel numbers

COUNCIL DISTRICT: 3

NAME OF APPLICANT: City of San Jose

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: Patrice Shaffer, 801 N. First St. Rm. 400; (408) 277-8557.

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. Urban Conservation Policy #2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

2. Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
3. Urban Design Policy #8: Design solutions should be considered in the development review process which address security, aesthetics and public safety.
4. Urban Design Policy #22: Design guidelines adopted by the City Council should be followed in the design of development projects.
5. Residential Land Use Policy #9: When changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.
6. Riparian Corridors and Upland Wetlands Policy #1: Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.
7. Riparian Corridors and Upland Wetlands Policy #2: New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.
8. Riparian Corridors and Upland Wetlands Policy #3: New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.
9. Riparian Corridors and Upland Wetlands Policy #4: New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
10. Riparian Corridors and Upland Wetlands Policy #5: When disturbances to riparian corridors and upland wetlands cannot be avoided, appropriate measures should be required to restore, or compensate for damage to, the creeks or riparian corridors.
11. Historic, Archaeological, and Cultural Resources Policy #1: Because historically or archeologically significant sites, structures, and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
12. Historic, Archaeological and Cultural Resources Policy #4: Areas with a concentration of historically and/or architecturally significant sites or structures should be considered for preservation through the creation of Historic Preservation Districts.
13. Historic, Archaeological and Cultural Resources Policy #5: New development in proximity to designated historic landmark structures and sites should be designed to be compatible with the character of the designated historic resource.
14. Historic, Archaeological, and Cultural Resources Policy #8: For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

15. Historic , Archaeological and Cultural Resources Policy #9: Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.
16. Hazards Policy #1: Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
17. Soils and Geologic Conditions Policy #1: The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion, and sedimentation in order to determine if these hazards can be adequately mitigated..
18. Earthquakes Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
19. Flooding Policy #1: New development should be designed to provide protection from potential impacts of flooding during the "1%" or "100 year" flood.
20. Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
21. Urban Design Policy #22: Design guidelines adopted by the City Council should be followed in the design of development projects.
22. Residential Land Use Policy #9: When changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.
23. Noise Policy #1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.
24. Noise Policy #5: The City should continue to require safe and compatible land uses within the International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and should also encourage operating procedures which minimize noise.
25. Transportation Policy (Aviation) #48: Development in the vicinity of airports should take into consideration the safety areas identified in Airport Land Use Commission (ALUC) policies.
26. Transportation Policy (Aviation) #49: As a condition of approval of development in the vicinity of airports, the City should require aviation easement dedication.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **June 26, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: June 6, 2003

Deputy

Adopted on: _____

Deputy